

23. *10 CSR 40–8.020—Exemption for Coal Extraction Incident to Government Financed Highway or Other Construction.* Clarifies the term “government financed construction.”

24. *10 CSR 40–8.070—Applicability and General Requirements.* Changes the date(s) for annual reporting purposes for coal mines operating under the 16<sup>2</sup>/<sub>3</sub> per cent exemption rule.

### III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

#### *Electronic or Written Comments*

If you submit written or electronic comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for your recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

#### *Public Availability of Comments*

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### *Public Hearing*

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t. on November 12, 2013. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting

the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

#### *Public Meeting*

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

### IV. Procedural Determinations

#### *Executive Order 12866—Regulatory Planning and Review*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

#### *Other Laws and Executive Orders Affecting Rulemaking*

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

#### **List of Subjects in 30 CFR Part 925**

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 23, 2013.

**Ervin J. Barchenger,**

*Regional Director, Mid-Continent Region.*

[FR Doc. 2013–25164 Filed 10–24–13; 8:45 am]

**BILLING CODE 4310–05–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 926

[SATS No. [MT–035–FOR]; Docket ID: OSM–2013–0009; S1D1SSS08011000

SX066A00067 F134S180110;

S2D2SSS08011000 SX066A00033

F13XS01520]

#### Montana Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** We are announcing receipt of a proposed amendment to the Montana regulatory program (hereinafter, the “Montana program”) under the Surface Mining Control and Reclamation Act of 1977 (“SMCRA” or “the Act”). Montana proposes revisions and additions to statute regarding permit application requirements, prospecting application requirements, annual reporting requirements for coal permittees, and lawsuits for damages to water supplies. Montana is also proposing to revise its rules at Administrative Rules of Montana (ARM) 17.24 subchapter 10 to incorporate rule changes regarding a new expedited coal prospecting permitting process.

This document gives the times and locations that the Montana program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments on this amendment until 4:00 p.m., [m.d.t.] November 25, 2013. If requested, we will hold a public hearing on the amendment on *November 19, 2013*. We will accept requests to speak until 4:00 p.m., [m.d.t.] on November 12, 2013.

**ADDRESSES:** You may submit comments by either of the following two methods:

- *Federal eRulemaking Portal:*

*www.regulations.gov*. This proposed rule has been assigned Docket ID: OSM–2013–0009. If you would like to submit comments through the Federal

eRulemaking Portal, go to [www.regulations.gov](http://www.regulations.gov) and do the following. Click on the “Advanced Docket Search” button on the right side of the screen. Type in the Docket ID “OSM–2013–0009” and click the “Submit” button at the bottom of the page. The next screen will display the Docket Search Results for the rulemaking. If you click on OSM–2013–0009, you can view the proposed rule and submit a comment. You can also view supporting material and any comments submitted by others.

- *Mail/Hand Delivery/Courier:* Alan Boehms, Denver Field Branch Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO 80202.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the “III. Public Comment Procedures” in the **SUPPLEMENTARY INFORMATION** section of this document.

In addition to viewing the docket and obtaining copies of documents at [www.regulations.gov](http://www.regulations.gov), you may review copies of the Montana program, this amendment, a listing of any public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may also receive one free copy of the amendment by contacting OSM’s Casper Field Office.

Jeffrey Fleischman, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building, POB 11018, 150 East B Street, Casper, Wyoming 82601–1018.

Edward L. Coleman, Bureau Chief, Industrial and Energy Minerals Bureau, Montana Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620–0901, (406) 444–4973, [ecoleman@mt.gov](mailto:ecoleman@mt.gov).

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Fleischman, Telephone: (307) 261–6550. Internet: [jfleischman@osmre.gov](mailto:jfleischman@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Montana Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

**I. Background on the Montana Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders

by demonstrating that its State program includes, among other things, “a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act . . . ; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.” See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Montana program on April 1, 1980. You can find background information on the Montana program, including the Secretary’s findings, the disposition of comments, and conditions of approval of the Montana program in the April 1, 1980, **Federal Register** (45 FR 21560). You can also find later actions concerning Montana’s program and program amendments at 30 CFR 926.15, 926.16, and 926.30.

**II. Description of the Proposed Amendment**

By letter dated August 20, 2013, Montana sent us a proposed amendment to its program (Administrative Record Document ID No. OSM–2013–0009–0001) under SMCRA (30 U.S.C. 1201 *et seq.*). Montana sent the amendment to include the changes made at its own initiative.

Specifically, Montana proposes changes to the Montana Strip and Underground Mine Reclamation Act (MSUMRA) that pertain to permit application requirements, coal prospecting application requirements, annual reporting requirements for coal permittees, and lawsuits for damages to water supplies. Montana intends to revise its program to comply with changes made in the Montana Legislature as a result of the passage of Senate Bills 286 and 92. These statutory changes are codified at Montana Code Annotated (MCA) 82–4–222, 82–4–226, 82–4–237, and 82–4–253. Additionally, Montana is proposing to implement rule changes at ARM 17.24 subchapter 10 regarding a modified coal prospecting permitting process. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

**III. Public Comment Procedures**

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Montana program.

*Electronic or Written Comments*

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed above (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

*Public Availability of Comments*

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*Public Hearing*

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#### *Other Laws and Executive Orders Affecting Rulemaking*

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

#### **List of Subjects in 30 CFR Part 926**

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 28, 2013.

**Allen D. Klein,**

*Director, Western Region.*

[FR Doc. 2013-25165 Filed 10-24-13; 8:45 am]

**BILLING CODE 4310-05-P**

## DEPARTMENT OF EDUCATION

### 34 CFR Chapters I–VI

[Docket ID ED–2013–OII–0110]

RIN 1894–AA05

### Proposed Priority—Promise Zones

**AGENCY:** Department of Education.

**ACTION:** Proposed priority.

**SUMMARY:** The Secretary of Education (Secretary) proposes a priority that the Department of Education (Department) may use for any appropriate discretionary grant program in fiscal year (FY) 2014 and future years. We take this action to focus Federal financial assistance on expanding the number of Department programs and projects that support activities in designated Promise Zones.

This action will permit all offices in the Department to use this priority, as appropriate, in any discretionary grant competition.

**DATES:** We must receive your comments on or before November 25, 2013.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or email. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [Regulations.gov](http://Regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “How to Use This Site.”

- **Postal Mail, Commercial Delivery, or Hand Delivery:** If you mail or deliver your comments about these proposed regulations, address them to Jane Hodgdon, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W219, LBJ, Washington, DC 20202–3970.

**Privacy Note:** The Department’s policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Jane Hodgdon. Telephone: 202–453–6620. Or by email: [Jane.Hodgdon@ed.gov](mailto:Jane.Hodgdon@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

#### **SUPPLEMENTARY INFORMATION:**

**Invitation to Comment:** We invite you to submit comments regarding this proposed priority.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that

might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice by accessing [Regulations.gov](http://Regulations.gov). You may also inspect the comments in person in room 4W335, 400 Maryland Avenue SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

**Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:** On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**Program Authority:** 20 U.S.C. 1221e–3, 3474.

#### **PROPOSED PRIORITY:**

##### *Background:*

The Secretary proposes a priority that the Department may use, as appropriate, for discretionary grant competitions in FY 2014 and future years. This priority will allow the Department and, by extension, program participants to focus limited Federal resources in designated Promise Zones. The Secretary recognizes that this priority will not be appropriate for all discretionary grant programs.

A child’s zip code should never determine his or her destiny; but today, the neighborhood a child grows up in affects his or her odds of graduating from high school, health outcomes, and lifetime economic opportunities. Collaborative efforts among private businesses and Federal, State, and local officials; faith-based and non-profit organizations; and families, children, and students can help change these odds and ensure that all children have the opportunity to earn a decent living when they reach adulthood.

Since 2009, the President has provided tools to combat poverty, investing more than \$350 million in 100 of the Nation’s persistent pockets of poverty. Building on those efforts, the President has announced an initiative to designate, over the next 4 years, 20 high-poverty communities as “Promise Zones” where the Federal government will partner with, and invest in,